

IN THE MATTER OF
THE APPLICATION OF
BARBARA J. OAKLEY CALLAHAN
FOR A VARIANCE ON PROPERTY
LOCATED ON THE SOUTHWEST SIDE
OF TREETOP COURT, 350' WEST OF
CENTERLINE MIDRIDGE ROAD
(101 TREETOP COURT)
9TH ELECTION DISTRICT
4TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 92-251-A

ORDER OF DISMISSAL

This case comes to this Board on appeal from a decision of the Zoning Commissioner dated February 7, 1992 in which the Petition for Variance was denied.

This matter was scheduled for hearing before the Board on Thursday, August 13, 1992 at 1:00 p.m. Appearing were Barbara J. Oakley Callahan, Petitioner/Appellant, and William D. Berwick, Esquire, on behalf of the Protestants, Stratford Community Association, Inc., et al. In open hearing and on the record, the Petitioner/Appellant moved to dismiss her appeal in Case No. 92-251-A.

Upon receipt of the above motion to dismiss, the Board will therefore dismiss this appeal, and will so order.

IT IS HEREBY ORDERED this 19th day of August, 1992 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 92-251-A be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William T. Hackett
Chairman

C. William Clark
John G. Disney

MICROFILMED

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Treetop Court, 350 ft. * ZONING COMMISSIONER
W of c/l Midridge Road *
101 Treetop Court *
9th Election District * OF BALTIMORE COUNTY
4th Councilmanic *
Case No. 92-251-A
Barbara J. Oakley Callahan
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 402 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 124 ft. 4" in lieu of the minimum 125 ft. required in a D.R. 2 zone, for a two family dwelling. The Petitioner's property and the relief requested are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The Petitioner, Barbara J. Oakley Callahan, appeared and testified. She was not represented by counsel. Appearing in opposition to the Petition were numerous residents of the surrounding community. They were represented by William D. Berwick, Esquire.

The Petitioner testified that she purchased the subject property on April 30, 1971. She occupied the premises with her husband as a single family residence from the time of purchase until her husband's death in 1977. Thereafter, she resided at the property with her children, a maid and a governess for the children. Subsequently, her parents also moved in. Ultimately, the Petitioner remarried and vacated the dwelling. Since then, the property has been rented as a two family dwelling. The Petitioner testified that she has had several different tenants occupy the premises, since she vacated same, and that presently four (4) college students occupy the house.

MICROFILMED

The Petitioner described the property in detail. Also available for my inspection was the site plan to accompany the Petition, numerous plats of the community, and many photographs. The house appears from the front to be of a rancher design. However, the dwelling actually contains two levels. Due to the construction of the house into a hill, the front entrance accesses the top level. The rear of the dwelling reflects the lower grade in the back yard, in that access to the downstairs floor is by entrance at the rear yard ground level. The Petitioner also testified that internal circulation from the lower to upper floor is by way of an open stairway. That is, there is no internal vestibule or doorway which specifically distinguishes one dwelling unit from the other. The Petitioner also offered a floor plan which shows a kitchen, bathrooms, living room and bedrooms, on each level.

In response to a specifically directed question from me, the Petitioner indicated that the need for the requested variance was based solely on economic considerations. The Petitioner testified thoroughly as to her costs and expenses related with owning the property. She stated that the rental income she receives from the use of the property is necessary for her to pay the ongoing expenses associated with owning the property.

Several of the numerous Protestants who appeared at the hearing testified in opposition to the Petition. These included Noel Steever, a resident and President of the Stratford Community Association. She fears declining home values if the property is permitted as a two dwelling unit. Patricia Colt, who resides on the corner of Treetop Lane and Midridge Road, also testified. She discussed extensively the increase in vehicular traffic due to the Petitioner's tenants, and observed that the property was not well maintained.

MICROFILMED

Lastly, George M. Sherwood, another community resident testified. He also noted the heavy traffic which results from this property and correctly opined that economic considerations are not relevant to the requested variance. In his view, use of the property as a two dwelling unit is totally inconsistent and incompatible with the surrounding residential locale.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In reviewing the evidence, there is insufficient evidence to allow a finding that the Petitioner would experience practical difficulty or unreasonable hardship if the requested variance was denied. The testimony presented by the Petitioner was in support of a matter of a preference rather than of the necessity for the variance. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Most importantly, the law is well settled

MICROFILMED

-3-

that economic matters of profit or loss are not sufficient or cannot be the basis to sustain a request for variance.

In Easter v. Mayor and City Council of Baltimore, 195 Md. 395 (1949), the court adopted that view enunciated by the New Jersey Appellate Court within Garden View Homes v. Board of Adjustment, 137 N.J. 44, 57 A2d 677. In Easter the Court noted, "the mere fact that the variance would make the property more profitable is not a sufficient ground to justify a relaxation of setback requirements." (pg. 400)

Based upon this statement of Maryland law, it is clear that the variance must be denied. The Petitioner's claim of economic hardship as the sole basis for the requested variance is insufficient, as a matter of law. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of February, 1992 that a Petition for Zoning Variance from Section 402 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 124 ft. 4", in lieu of the minimum 125 ft. required in a D.R. 2 zone, for a two family dwelling be and is hereby DENIED.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mnn

-4-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 6, 1992

Mrs. Barbara J. Oakley Callahan
101 Treetop Court
Timonium, Maryland 21093

RE: Case No. 92-251-A
Petition for Zoning Variance

Dear Mrs. Callahan:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been denied, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES/mnn
att.

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 402 to permit a 124'4" lot width in lieu of the minimum 125' (0.2) for a two-family dwelling.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Barbara J. Oakley Callahan

(Type or Print Name)

Signature

(Type or Print Name)

Signature

101 Treetop Ct.

Address Phone No.

Timonium, MD 21093

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Barbara J. Callahan

Name

2006 Huntwood Drive 721-4535

Address City and State

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2 HR. - 1/2 HR. - 1/2 HR.

AVAILABLE FOR HEARING

MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHERS

REVIEWED BY: DATE: 12/17/91

For the following reasons: Zoning law currently in force did not exist at the time the Stratford community was constructed in 1955 and as an owner of a large home on 1.5 acres I am unjustly penalized with the zoning change that now prevents me from using the house as a two family unit. The shortage is eight inches. I have 124'4" of frontage and cannot move the house. The recession coupled with the local unemployment, large corporation layoffs, real estate stagnation, and changing character of the area necessitates my renting to two families in order to cover my costs which are considerable. In 1977 precedent was set when the house was two-family occupied.

72-251-A

Zoning Description
beginning on the southwest side of Treetop Court, 50 feet wide, at the distance of 350 feet west of the center line of Midridge Road. Being lot 15, block E Section #3 in the subdivision of Stratford as recorded in Baltimore County Plat Book #21, Folio #32, containing 1.2 acres in lot. Also known as 101 Treetop Court, Timonium, Maryland and located in the 10th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 1/24/92
Posted for: Barbara J. Oakley Callahan
Petitioner: Barbara J. Oakley Callahan
Location of property: 101 Treetop Court, 350' W of c/l Midridge Road, 8th Election District, 4th Councilmanic District, Towson, Maryland 21204
Location of Sign: Barbara J. Oakley Callahan
Remarks: 107.86
Posted by: Barbara J. Oakley Callahan Date of return: 1/27/92
Number of Signs: 1 MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 10th Date of Posting: 1/24/92
Posted for: Barbara J. Oakley Callahan
Petitioner: Barbara J. Oakley Callahan
Location of property: 101 Treetop Court, 350' W of c/l Midridge Road, 8th Election District, 4th Councilmanic District, Towson, Maryland 21204
Location of Sign: Barbara J. Oakley Callahan
Remarks: 107.86
Posted by: Barbara J. Oakley Callahan Date of return: 1/27/92
Number of Signs: 1 MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/24, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16, 1992

THE JEFFERSONIAN,

S. Zake Nelson
Publisher

\$82.86

CERTIFICATE OF PUBLICATION

TOWSON, MD., 1/24, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1/16, 1992

TOWSON TIMES,

S. Zake Nelson
Publisher

\$82.86

MICROFILMED

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed Case Number: 92-251-A, 350' Treetop Court, 350' W of c/l Midridge Road, 8th Election District, 4th Councilmanic District, Towson, Maryland 21204, on February 3, 1992 at 2:00 p.m. Variance to permit a 124 ft., 4 inch lot width in lieu of the minimum 125 ft. for a two-family dwelling.
LAWRENCE E. SCHMIDT, Zoning Commissioner of Baltimore County
TJW/1/178 January 16

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

DATE: 1/24/92 RESPONSE: 1/24/92
FEE TO HEARING OFFICE: 107.86
FEE TO ZONING ADVISORY COMMITTEE: 107.86
TOTAL: 215.72
LAST NAME OF OWNER: CALLAHAN

0404W0009N1CHK0
BA 00010P412-12-91 \$35.00
Please Make Checks Payable To: Baltimore County

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

92251

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

92-251

0404W0009N1CHK0
BA 00010P412-12-91 \$107.86
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

DATE: 1-22-92

Barbara J. Oakley Callahan
101 Treetop Court
Towson, Maryland 21204

RE:
CASE NUMBER: 92-251-A
350' Treetop Court, 350' W of c/l Midridge Road
101 Treetop Court
8th Election District - 4th Councilmanic
Petitioner(s): Barbara J. Oakley Callahan

Dear Petitioner(s):

Please be advised that \$ 107.86 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

171
ARNOLD JAWSON
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

JAN 08 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 113, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-251-A
350' Treetop Court, 350' W of c/l Midridge Road
101 Treetop Court
8th Election District - 4th Councilmanic
Petitioner(s): Barbara J. Oakley Callahan
HEARING: MONDAY, FEB. 3, 1992 at 2:00 p.m.

Variance to permit a 124 ft., 4 inch lot width in lieu of the minimum 125 ft. for a two-family dwelling.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT

Zoning Commissioner of
Baltimore County
cc: Barbara J. Oakley Callahan

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

January 27, 1992

Ms. Barbara J. Oakley Callahan
2006 Huntwood Drive
Gambells, MD 21045

RE: Item No. 258 Case No. 92-251-A
Petitioner: Barbara J. Oakley Callahan
Petition for Variance

Dear Ms. Callahan:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: January 27, 1992 Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Your petition has been received and accepted for filing this
27th day of December, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Haff
Chairman,
Zoning Plans Advisory Committee

Petitioner: Barbara J. Oakley Callahan
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 21, 1992

FROM: Gary L. Kerns, Chief
Comprehensive and Community Planning
Office of Planning and Zoning

SUBJECT: Callahan Property, Item No. 258

In reference to the Petitioner's request, the staff offers no
comments.

If there should be any further questions or if this office can
provide additional information, please contact Jeffrey Long in the
Office of Planning at 887-3211.

Report prepared by:

Jeffrey Long
Jeffrey Long

GK/JL:rdn
ITEM258/TXTROZ

700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(410) 887-4500

JANUARY 6, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BARBARA J. OAKLEY CALLAHAN

Location: #101 TREETOP COURT,

Item No.: 258 Zoning Agenda: JANUARY 7, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by
this Bureau and the comments below are applicable and required to be
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Noted and Approved*
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: January 16, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 7, 1992

The Developers Engineering Division has reviewed
the subject zoning items and we have no comments for
Items 258, 274, 272, 273 and 275.

For Case No. R-92-241 we have no comments.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

APPEAL

Petition for Zoning Variance
SW/S Treetop Court, 350 ft. W of c/1 Midridge Road
(101 Treetop Court)
8th Election District - 4th Councilmanic District
BARBARA J. OAKLEY CALLAHAN - Petitioner
Case No. 92-251-A

Petition(s) for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included with ZAC Comments)

Petitioner's Exhibits: 1. Plat to accompany petition

Protestant's Exhibits: 1. Plan of Section 3 Stratford

2. - 4. Deeds

5. Certificate of Merger

6. Petition of Opposition

Zoning Commissioner's Order dated February 7, 1992 (Denied)

Notice of Appeal received February 27, 1992 from Barbara J. Callahan,
Petitioner

cc: Barbara J. Callahan - 2006 Huntwood Dr., Gambrills, MD 21054

William D. Berwick - Esquire, White, Mindel, Clarke & Foward
300 LaFayette Building, 40 W. Chesapeake Ave., Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
Lawrence E. Schmidt, Zoning Commissioner
Timothy M. Kotroco, Deputy Zoning Commissioner
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Director of Zoning Administration
and Development Management
Public Services

BALTIMORE COUNTY
ECONOMIC DEVELOPMENT COMMISSION

Memorandum

TO: Julie Winiarski
Office of Zoning Administration and
Development Management

FROM: A. J. Haley, Deputy Director
Economic Development Commission

DATE: January 7, 1992

RE: Zoning Advisory Comments for Meeting of January 7, 1992

This office has no comment for item 258.

RECEIVED
JAN 8 1992
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: January 29, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: January 7, 1992

This office has no comments for item numbers 258, 272, and 274.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

March 16, 1992

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S Treetop Court, 350 Ft. W of c/1 Midridge Road
(101 Treetop Court)
8th Election District, 4th Councilmanic District
BARBARA J. OAKLEY CALLAHAN - Petitioner
Case No. 92-251-A

Dear Board:

Please be advised that an appeal of the above-referenced case was
filed in this office on February 27, 1992 by Barbara J. Callahan,
Petitioner. All materials relative to the case are being forwarded
herewith.

Please notify all parties to the case of the date and time of the
appeal hearing when it has been scheduled. If you have any questions
concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Arnold Jablon
Arnold Jablon
Zoning Commissioner

LES:cer

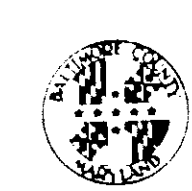
Enclosures

cc: Barbara J. Callahan - 2006 Huntwood Dr., Gambrills, MD 21054

William D. Berwick - Esquire, White, Mindel, Clarke & Foward
300 LaFayette Building, 40 W. Chesapeake Ave., Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180
Hearing Room -
Room 48, Old Courthouse
400 Washington Avenue
May 11, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 92-251-A
BARBARA J. OAKLEY CALLAHAN
SW/s Treetop Court, 350' W of c/l
Midridge Road (101 Treetop Court)
8th Election District,
4th Councilmanic District
VAR-lot width 124'4" in lieu of
min. 125' for 2-family dwelling
2/7/92 - Z.C.'s Order DENYING
Petition.

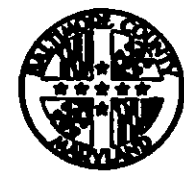
ASSIGNED FOR: THURSDAY, AUGUST 13, 1992 AT 1:00 P.M.

cc: Ms. Barbara J. Oakley Callahan - Petitioner/Appellant

William D. Berwick, Esquire

People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 47, COURTHOUSE
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

August 11, 1992

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 49, Courthouse
400 Washington Avenue
Towson, Maryland 21204

RE: Barbara J. Oakley Callahan, Petitioner
Zoning Case No. 92-251-A

Dear Chairman Hackett:

We note that there is an attorney representing the Protestants in the above-referenced matter. Although this office concurs with the Opinion of the Zoning Commissioner that "economic matters of profit or loss are not sufficient or cannot be the basis to sustain a request for variance," it would be redundant for two attorneys to appear in opposition to this petition. Therefore, if the Chairman has no objection, People's Counsel will not appear in person at the hearing on this matter.

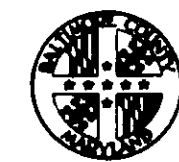
Sincerely yours,

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

cc: Barbara J. Oakley Callahan
William D. Berwick, Esquire

PCF:sh



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

August 18, 1992

Ms. Barbara J. Oakley Callahan
2006 Huntwood Drive
Gambrills, MD 21054

RE: Case No. 92-251-A
Barbara J. Oakley Callahan

Dear Ms. Callahan:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: William D. Berwick, Esquire
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RECEIVED
AUG 19 1992

ZONING OFFICE

Printed on Recycled Paper

PETITION FOR ZONING VARIANCE * BEFORE THE COUNTY BOARD
SW/S Treetop Ct., 350' W of * OF APPEALS
C/L Midridge Rd. (101 Treetop * OF BALTIMORE COUNTY
Ct.), 8th Election District,
4th Councilmanic District * Zoning Case No. 92-251-A
BARBARA J. OAKLEY CALLAHAN *
Petitioner/Appellant * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of William D. Berwick and White, Mindel, Clarke and Foard in the above captioned matter as counsel for the Protestants, Stratford Community Association, Inc. et al.

William D. Berwick
White, Mindel, Clarke & Foard
40 W. Chesapeake Avenue
Suite 300
Towson, Maryland 21204
(410) 825-1050

Attorney for Protestants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1992, a copy of the foregoing Entry of Appearance was mailed to

Phyllis Cole Friedman, Esquire
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Barbara J. Oakley Callahan
2006 Huntwood Drive
Gambrills, MD 21054

William D. Berwick
William D. Berwick

Rec'd 8/12/92
12:52 pm
CBA

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS
SW/S Treetop Ct., 350' W of : OF BALTIMORE COUNTY
C/L Midridge Rd. (101 Treetop :
Ct.), 8th Election District, :
4th Councilmanic District :
BARBARA J. OAKLEY CALLAHAN, : Zoning Case No. 92-251-A
Petitioner/Appellant : : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman

Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman

Peter Max Zimmerman
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-2188

I HEREBY CERTIFY that on this 20th day of March, 1992, a copy of the foregoing Entry of Appearance was mailed to Barbara J. Oakley Callahan, 2006 Huntwood Dr., Gambrills, MD 21054; and William D. Berwick, Esquire, White, Mindel, Clarke & Foard, 300 Lafayette Bldg., 40 W. Chesapeake Ave., Towson, MD 21204, Attorney for Protestants.

Phyllis Cole Friedman
Phyllis Cole Friedman

5/11/92 - Following parties notified of hearing set for August 13, 1992 at 1:00 p.m.:

Ms. Barbara J. Oakley Callahan
William D. Berwick, Esquire
People's Counsel for Baltimore County
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon

8/11/92 - Pursuant to letter received this date, People's Counsel will not appear at hearing /protestants represented by Counsel.

8/12/92 - Entry of Appearance from William D. Berwick, Esquire /attorney for Protestant, Stratford Community Association, Inc., et al

8/13/92 - Scheduled for hearing; Petitioner/Appellant withdrew appeal on the record; Order of Dismissal to be issued.

INTER-OFFICE CORRESPONDENCE

TO: James E. Dyer DATE: November 18, 1991
Zoning Supervisor

FROM: James H. Thompson
Zoning Enforcement Coordinator

RE: Item No.
Petitioner: Barbara J. Callahan

VIOLATION CASE NO. C-92-350

LOCATION OF VIOLATION 101 Tree Top Court

DEFENDANT Barbara J. Callahan

ADDRESS 101 Tree Top Court, Luth-Timonium, MD 21093

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following persons:

NAME	ADDRESS
Patricia Colt	2214 Midridge Road Luth-Timonium, Maryland 21093

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Coordinator, so that the appropriate action may be taken relative to the violation case.

cc: Owen Stephens
Development Control

DT/cmm

2006 Huntwood Drive
Gambrills, MD 21054
February 21, 1992

Charlotte Radcliffe
Baltimore County Government Zoning Commissioner
County Board of Appeals Room 111
111 West Chesapeake Avenue
Baltimore, MD 21204

Dear Ms. Radcliffe:

I wish to appeal case number 92-251-A regarding a petition for zoning variance at 101 Treetop Court, Timonium, MD 21093. Case was heard by Commission Lawrence E. Schmidt and variance denied on February 7, 1992.

Please send to 2006 Huntwood Drive, Gambrills, MD 21054 all necessary correspondence for the appeal proceedings. Thank you.

Sincerely,
Barbara J. Callahan
Barbara J. Callahan

RECEIVED
FEB 21 1992
ZONING OFFICE



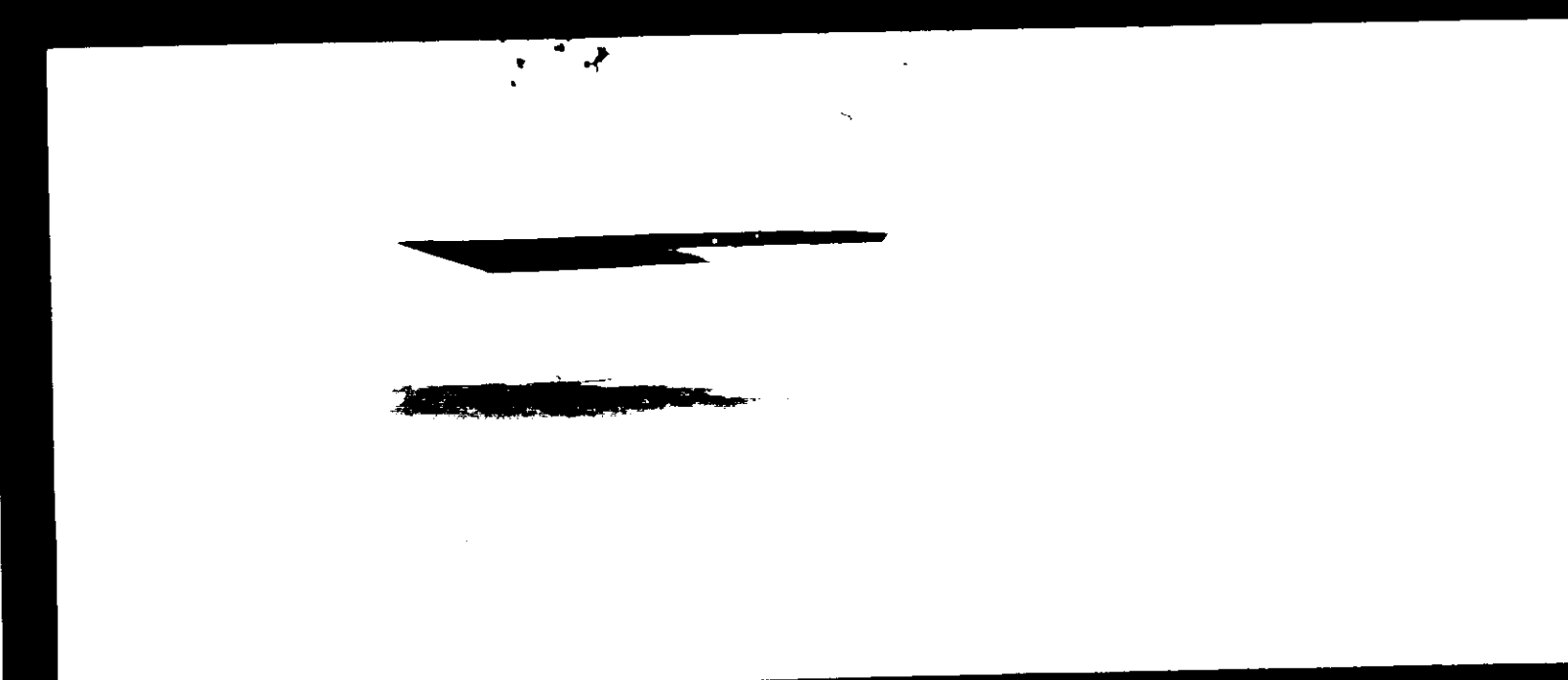
Treetop Court, Timonium from corner of Midridge
101 Treetop on left, 100 at end of circle



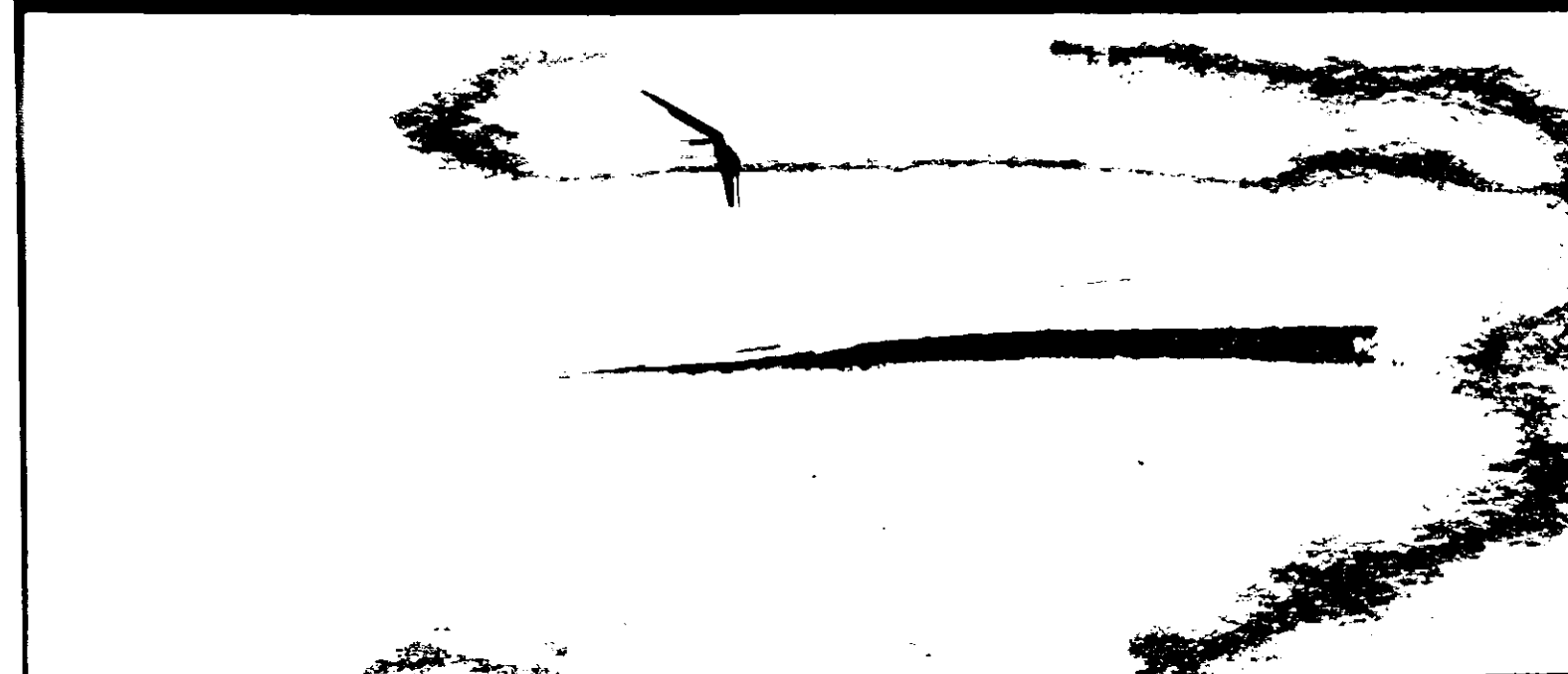
103, 101, 100 Treetop Court, Timonium



101 Treetop Court driveway; 103 carport and boundary



rear neighbor on Westdale Court
woods at rear of Westdale Court looking toward 101 Treetop
(approximately 4 acres of forest)



101 Treetop Court frontage



101 Treetop Court front door and walk; 100 Treetop Court with boundary

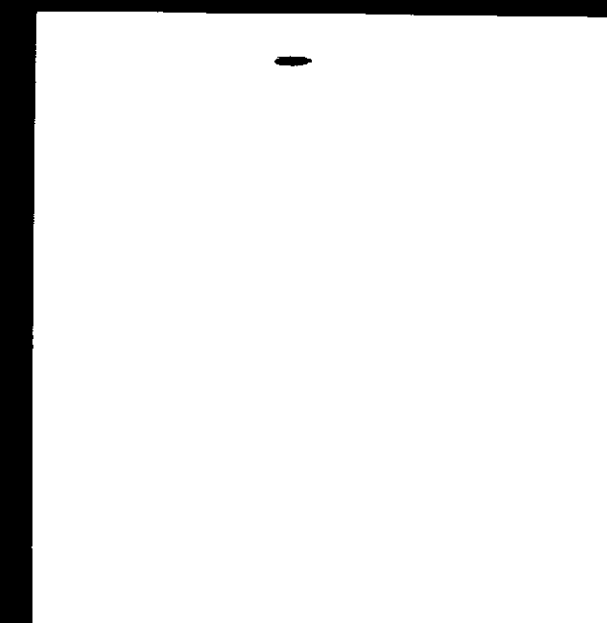


101 Treetop Court frontage, driveway, lightpole, gas meter, (water
meter is near lamp)

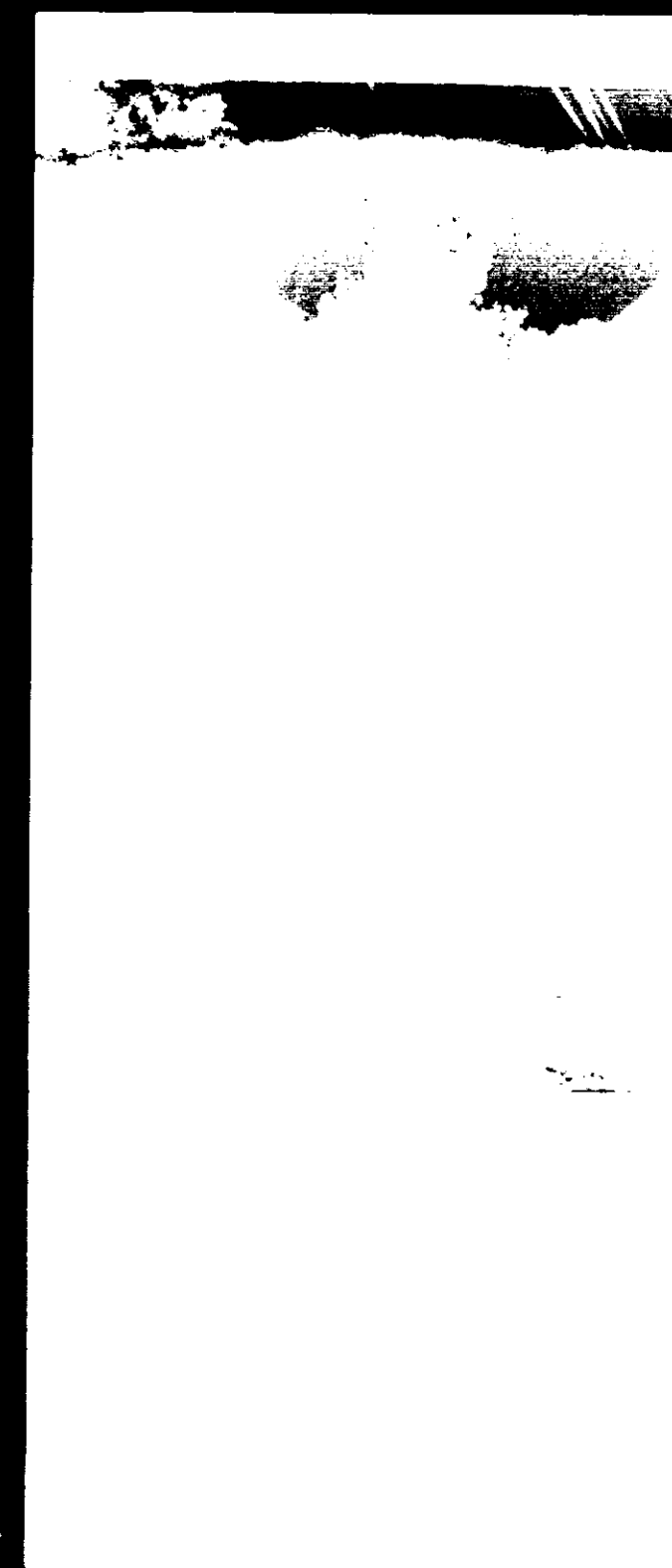


101 Treetop Court front door step and sidewalk; 103 Treetop with car

Lower level recreation room with
rear entrance



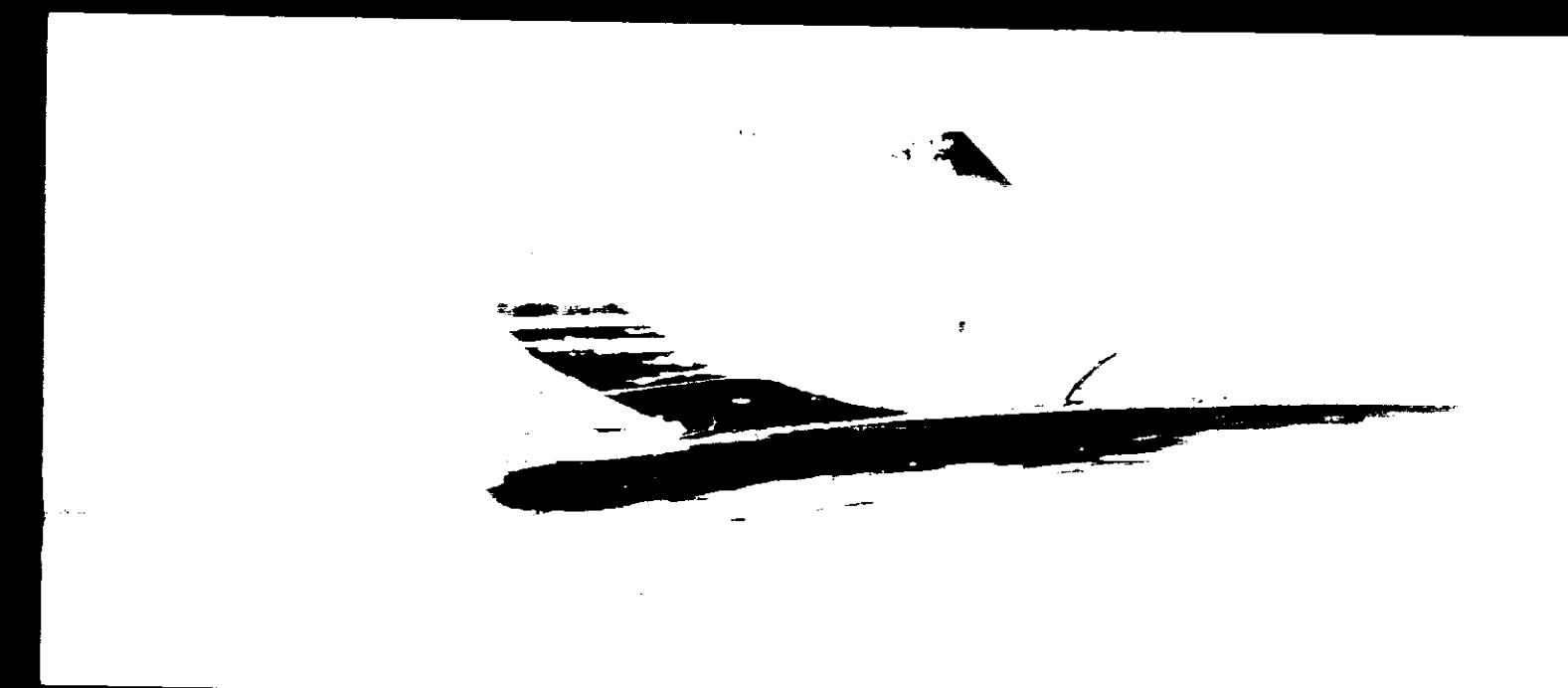
parking area, garage



rear of 101 Treetop Court



rear neighbor on Knob Hill Court



rear neighbor on Knob Hill Court

frontage 101 Treetop Court

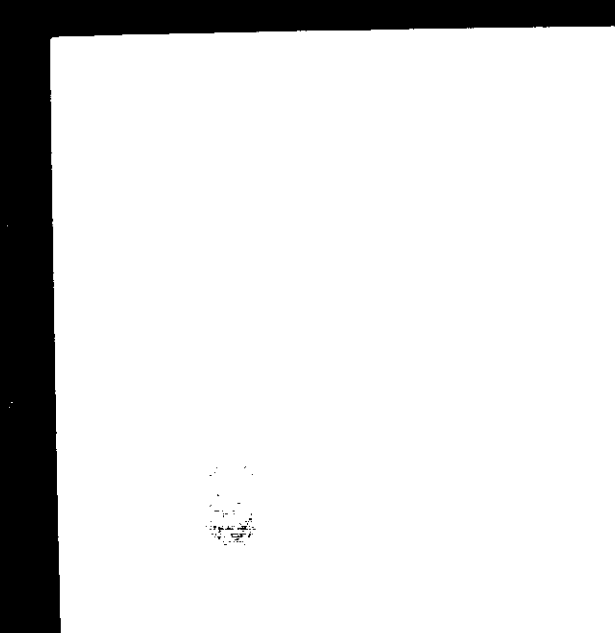


Boundary between 100 and 101 Treetop Court dwellings

101 Treetop Court



101 Treetop Court at curbside view



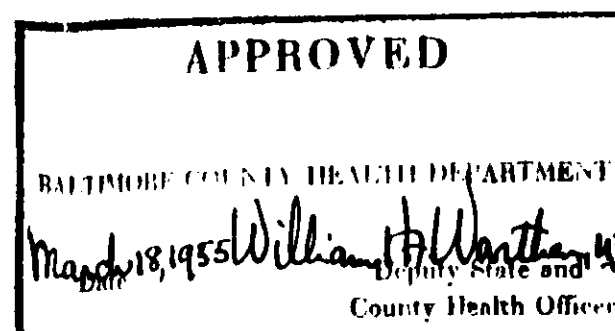
101 Treetop Court porch



1 for record
MAR 23 1955

G.L.B. No. 21 Folio 32

RECEIVED for Record
MAR 23 1955 at A. M.
P. M.



NOTE:
The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use: the fee simple title to the lands thereof is expressly reserved in the Grantors of the deed to which this plat is attached, their heirs and assigns.

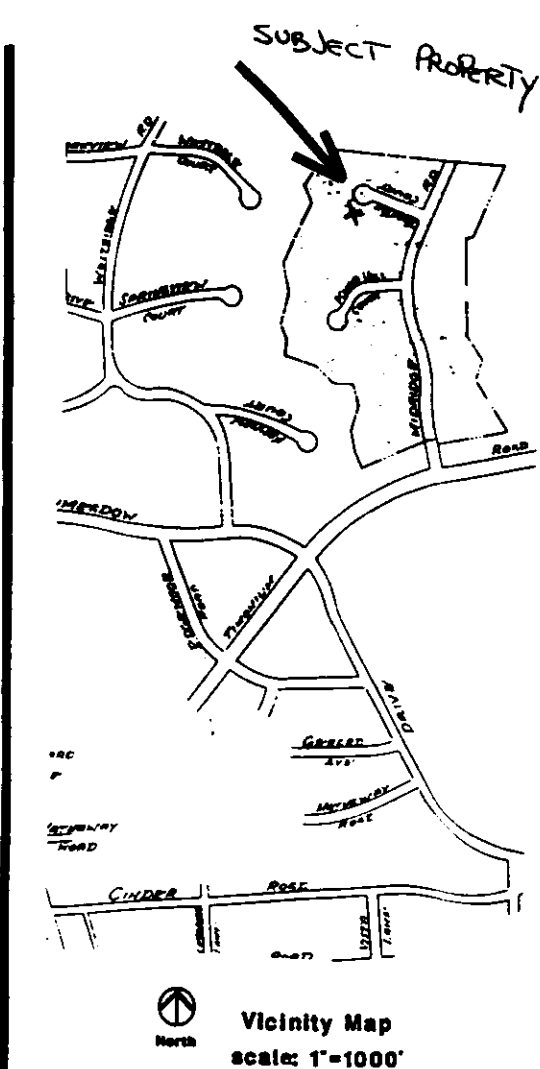
Approved as to alignment and location of Streets

Paul + 7. Ad, yk m

PROPERTY ADDRESS: 101 Treetop Court, Timonium, MD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Stratford
plat books 21, folios 32, lots 15, sections 8

OWNER: Barbara J. Oakley Callahan

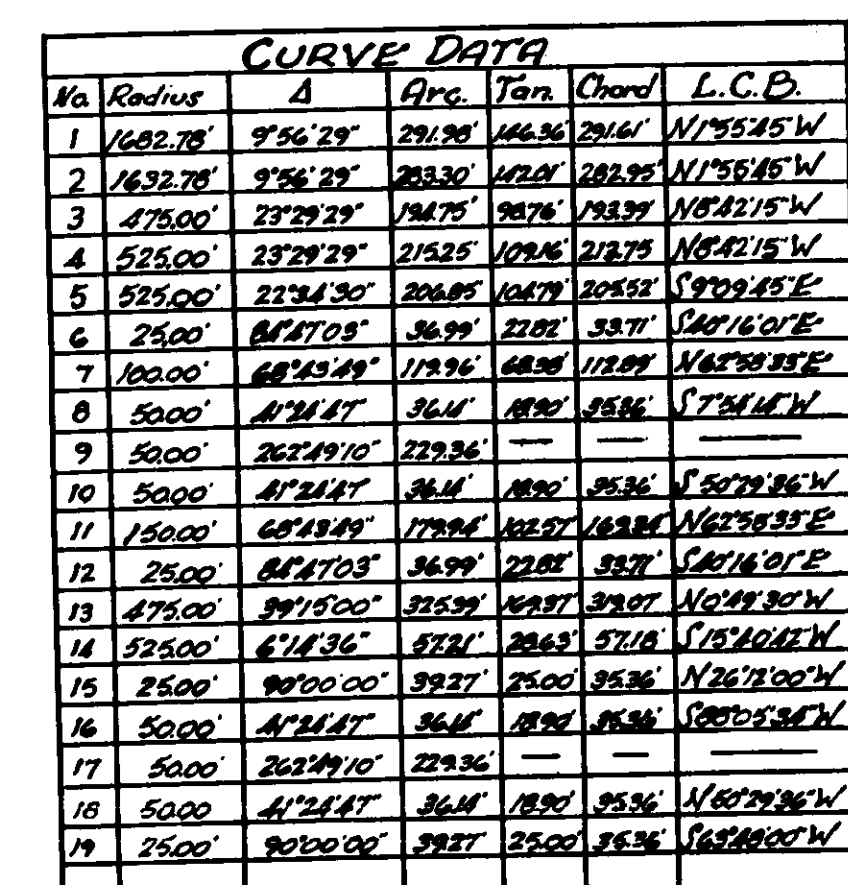
**LOCATION INFORMATION**

Councilmanic District: 4
Election District: 8
1"=200' scale map#: DR2
Zoning: DR2
Lot size: 1.2 52,810
 acres square feet

public private
SEWER: ☒ ☐
WATER: ☒ ☐
Chesapeake Bay Critical Area: ☐ yes ☒ no

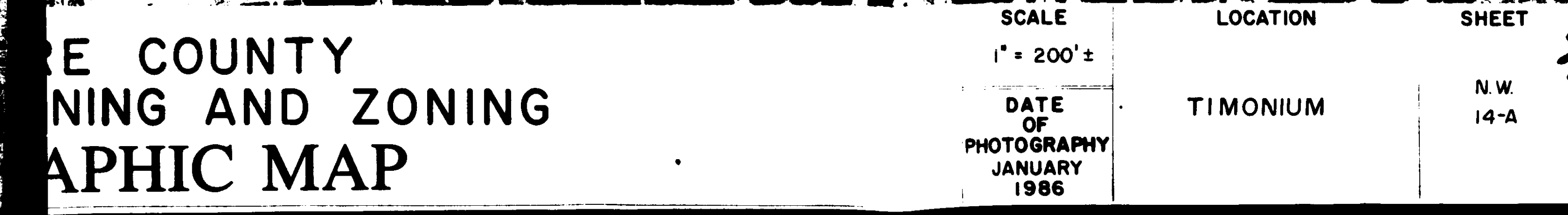
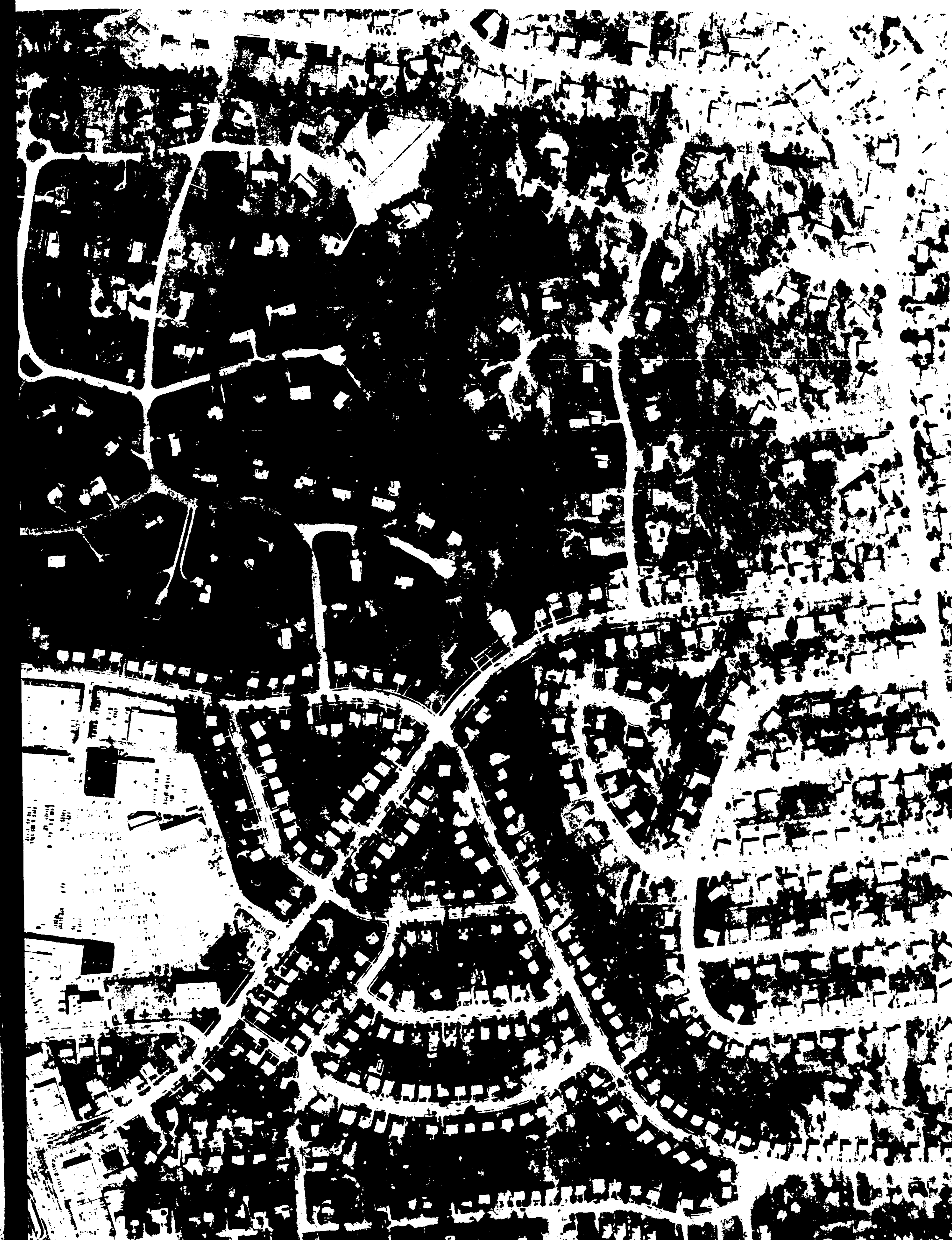
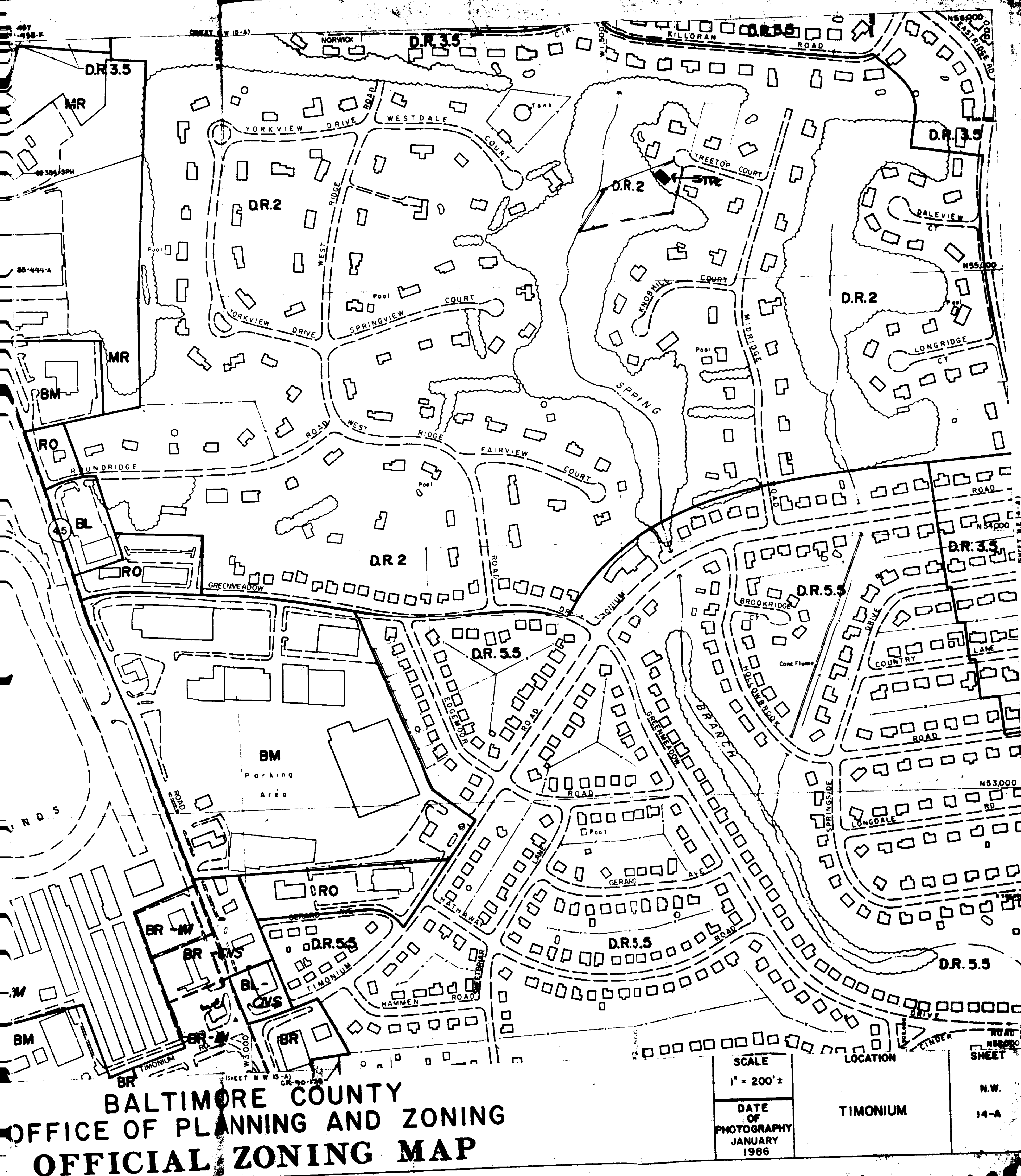
Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:



#258

BLOCKS E & F
SECTION 3
STRATFORD



#258